



**FAIR POLITICAL PRACTICES COMMISSION**

428 J Street • Suite 620 • Sacramento, CA 95814-2329  
(916) 322-5660 • Fax (916) 322-0886

September 10, 2009

✓ Jeff Dunk

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**Re: Warning Letter - FPPC No. 06/547, Jeff Dunk**

Dear Mr. Dunk:

As you know, the Fair Political Practices Commission ("Commission") received a complaint against you alleging violations of the Act's conflicts of interests provisions.

Government Code Section 87100 of the Political Reform Act (the "Act"),<sup>1</sup> states: "No public official at any level of state or local government shall make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest." To determine whether an individual has a disqualifying conflict of interests, the FPPC generally employs the following sequenced analysis: 1) was the individual a public official; 2) did the official make, participate in making, or use or attempt to use his official position to influence a governmental decision; 3) what are the public official's economic interests; 4) was the economic interest affected by the decision, either directly or indirectly; 5) was the economic interest materially affected by the decision; 6) was it reasonably foreseeable that the economic interest would be materially affected by the decision. (See Regulation 18700.)

Based on the evidence obtained during our investigation, it appears that on or about April 19, 2006: 1) you were a member of the Board of Directors for the McKinleyville Community Services District (MCSD); 2) you voted to direct staff to review Ordinance 2002-3 and modify it to allow consideration of acceptance of storm drainage detention basins without the requirement of a recreation nexus and to bring this back to the MCSD Board of Directors in ordinance form for review; 3) you owned real property in McKinleyville, CA; 4) your real property was directly involved in the decision because you were negotiating with the developer

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<sup>1</sup>The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of title 2 of the California Code of Regulations. All regulatory references are to title 2, division 6 of the California Code of Regulations, unless otherwise indicated.

of a subdivision which was adjacent to your real property for compensation for an underground storm drainage easement across your real property which would be part of the storm drainage system and detention basin for the subdivision, including the terms for maintaining the subdivision's storm drainage detention basin and the portion of the drainage system across your real property; 5) the financial effect of the decision on your real property was material; and 6) the material financial effect was reasonably foreseeable. Thus, you had a disqualifying conflict of interest under the Act and should have recused yourself from voting on the matter.

We have nevertheless decided to close this case. Upon review of the evidence available, it appears there are several mitigating factors. At the time of this decision, you had only been a member of the Board of Directors for the McKinleyville Community Services District since December 2005, and you had no prior experience in public office. Prior to April 19, 2006, you had not yet received ethics training. Your ethics training occurred in early June 2006, and after that point in time, you recused yourself from matters dealing with the detention basin maintenance issue, as well as matters involving the subdivision developer with whom you were negotiating the easement.

**This letter serves as a written warning.** You are advised that your failure to comply with the provisions of the Political Reform Act in the future could result in an enforcement action. Additionally, the information in this case will be retained, and may be used against you should an enforcement action later become necessary based on future conduct and/or newly discovered information. Please be advised that your failure to comply with the provisions of the Act in the future may result in monetary penalties of up to \$5,000 for each violation.

The Commission publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or manuals, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at (916) 322-5660, Monday through Friday, between 9:00 a.m. and 4:00 p.m. Please also visit our website at [www.fppc.ca.gov](http://www.fppc.ca.gov).

If you have any questions regarding this matter, please contact us at (916) 322-5660.

Sincerely,

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Angela J. Brereton  
Commission Counsel  
Enforcement Division